

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

FEDERAL NATIONAL MORTGAGE
ASSOCIATION

Plaintiff

v.

ROSS W. GAGNE

2:19-cv-00333-JDL

Defendant
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC. AS
NOMINEE FOR COUNTRYWIDE HOME
LOANS, INC.
DISCOVER BANK

Parties-In-Interest

JUDGMENT OF FORECLOSURE AND SALE

Address: 152 Main Street, Turner, ME 04282
Mortgage: August 27, 2006, Book: 6914, Page:188

This matter came before the Court for a testimonial hearing on Plaintiff's Motion for Default Judgment on January 14, 2020. Plaintiff, Federal National Mortgage Association, was present and represented by John A. Doonan, Esq. Defendant, Ross W. Gagne, did not appear; Party-In-Interest, Mortgage Electronic Registration Systems, Inc. as nominee for Countrywide Home Loans, Inc. did not appear; Party-In-Interest, Discover Bank did not appear.

All persons interested having been duly notified in accordance with the law, and after hearing, the Plaintiff's Motion for Default Judgment of Foreclosure and Sale is GRANTED. Count II - Breach of Note, Count III - Breach of Contract, Money Had and Received, Count IV - Quantum Meruit, and Count V - Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff. **JUDGMENT** on Count I - Foreclosure is hereby **ENTERED** as

follows:

1. If the Defendant or his heirs or assigns pay Federal National Mortgage Association (“FNMA”) the amount adjudged due and owing (\$190,620.80) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, FNMA shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing as of December 17, 2019:

Description	Amount
Unpaid Principal Balance	\$125,308.36
Interest	\$6,687.84
Escrow Advances	\$866.00
Corporate Advances	\$3,970.05
Deferred Principal Balance	\$53,788.55
Grand Total	\$190,620.80

2. The prejudgment interest rate is 4.125%, see 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 8.59%, see 14 M.R.S.A. § 1602-C.
3. If the Defendant or his heirs or assigns do not pay FNMA the amount adjudged due and owing (\$190,620.80) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, his remaining rights to possession of the Turner Property shall terminate, FNMA shall conduct a public sale of the Turner Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$190,620.80 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 6 of this Judgment, and in accordance with 14 M.R.S.A. § 6324. FNMA may not seek a deficiency judgment against the Defendant pursuant to the Plaintiff's waiver of deficiency at trial.
4. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk shall sign a certification after the

appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.

5. The amount due and owing is \$190,620.80.
6. The priority of interests is as follows:
 - Federal National Mortgage Association has first priority, in the amount of \$190,620.80, pursuant to the subject Note and Mortgage.
 - Mortgage Electronic Registration Systems, Inc. as nominee for Countrywide Home Loans, Inc., who has been defaulted.
 - Discover Bank, who has been defaulted.
 - Ross W. Gagne, who has been defaulted.
7. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	Federal National Mortgage Association	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D Beverly, MA 01915
DEFENDANT	Ross W. Gagne 152 Main Street Turner, ME 04282	Defaulted
PARTIES-IN-INTEREST	Discover Bank 502 E. Market Street Greenwood, DE 19950	Defaulted

Mortgage Electronic Systems, Defaulted
Inc., as nominee for
Countrywide Home Loans, Inc.
1818 Library Street, Suite 300
Reston, VA 20190

- a) The docket number of this case is No. 2:19-cv-00333-JDL.
- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 152 Main Street, Turner, ME 04282, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 152 Main Street, Turner, ME 04282. The Mortgage was executed by the Defendant on August 27, 2006. The book and page number of the Mortgage in the Androscoggin County Registry of Deeds is Book 6914, Page 188.
- e) This judgment shall not create any personal liability on the part of the Defendant but shall act solely as an in rem judgment against the property, 152 Main Street, Turner, ME 04282.

SO ORDERED.

Dated: January 15, 2020

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE